



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

December 1, 2004

Danny Bown
595 East 600 South
P.O. Box 27
Manti, Utah 84642-0027

Subject: Close of File for Cessation Order No: MN-04-01-06(1), Nine Mile Mine,
S/039/010, Sanpete County, Utah

Dear Mr. Bown:

The Division received your payment of the fine associated with Cessation Order MN-04-01-06(1). With the Cessation Order being terminated and the fine being paid, this closes the file on this action. Thank you for resolving this situation so expeditiously.

If you have further questions about this action, please call me at 801-538-5325.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock
Permit Supervisor
Minerals Regulatory Program

DRH:PBB:jb
Attachment: Basic Revegetation Guidelines
O:\M039-Sanpete\s0390010-ninemile\final\close-COfile.doc



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director

MARY ANN WRIGHT
Acting Division Director

VACATION / TERMINATION of Notice of Violation / Cessation Order

To the following Permittee or Operator:

Name: Danny Bown

Mailing Address 595 East 600 South, Manti, Utah 84642

Mine Name: Nine Mile Quarry Permit Number: S/039/010

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Notice of Violation No. _____ dated _____,

Cessation Order No: MN-04-01-06(1) dated September 23, 2004

Part 1 of 1 is ☐ vacated ☒ terminated because: The operator has amended his plan to show the new road,, and provided a copy of an agreement with the landowner to use the surface of his property.

Date of service/mailling: November 30, 2004 Time of service/mailling: 1:30 ☐ a.m. ☒ p.m.

Danny Bown
Permittee or Operator Representative

Title

Signature

Lynn Kunzler
Division of Oil, Gas & Mining Representative

Environmental Scientist/Rec. Biologist
Title

[Signature]
Signature

O:\M039-Sanpete\s0390010-ninemile\non-compliance\CO-terminate-11292004.doc

5/039/010

November 1, 2004

Division of Oil, Gas and Mining

RECEIVED

NOV 23 2004

DIV. OF OIL, GAS & MINING

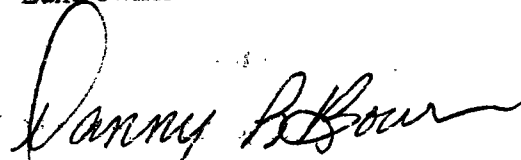
In response to the letter requiring that I have written permission to stock pile the over burden of dirt from the quarry site in Sanpete County -- Lease # ML47244.

I, Joe Frischknecht, being partial owner of the private land on the North East corner of the state section # 16 in Sanpete County, give permission to Danny L. Bown to stock pile the over burden of dirt on my land. The over burden is from the mining of limestone.

Thank you,



Joe Frischknecht
Land owner



Danny L. Bown
Lease holder

Thank you

5/039/010

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature x <i>Phyllis Bown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) <i>PHYLLIS BOWN</i> C. Date of Delivery <i>10/26/04</i></p>	
<p>1. Article Addressed to:</p> <p>DANNY BOWN 595 EAST 600 SOUTH MANTI UT 84642</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>P.O. BOX 27 MANTI, UT 84642</i></p>	
<p>5/039/010 CO 10/22/04</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label) 7002 0510 0003 8602 8895</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811 August 2001 Domestic Return Receipt 102595-02-M-1540</p>			

RECEIVED

OCT 28 2004

DIV OF OIL GAS & MINING



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

October 21, 2004

CERTIFIED RETURN RECEIPT
7002 0510 0003 8602 8895

Danny Bown
595 East 600 South
Manti, Utah 84642

Subject: Proposed Assessment for State Notice of Violation No. (MN-04-01-06(1),
Danny Bown, Nine Mile Quarry, S/039/010, Sanpete County, Utah

Dear Mr. Bown:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced notice of violation (NOV). The NOV was issued by Division Inspector, Lynn Kunzler, on September 23, 2004.

Rule R647-7-103 et. seq. has been utilized to formulate the proposed penalty for the violations as follows:

- Violation 1 of 1 \$440

The enclosed worksheet specifically outlines how the violation was assessed.

By these rules, any written information, which was submitted by you or your agent within fifteen (15) days of receipt of this NOV has been considered in determining the facts surrounding the violation and the amount of this penalty.

Under R647-7-106, there are two informal appeal options available to you:

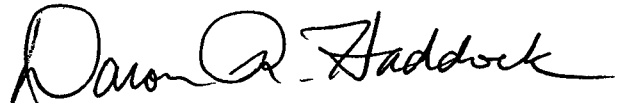
1. If you wish to informally appeal the fact of this NOV, you should file a written request for an Informal Conference within thirty 30 days of receipt of this letter. This conference will be conducted by the Division Director or Associate Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within

Danny Bown
Page 2
Proposed Assessment
S/039/010
October 21, 2004

thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the assessment conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and the penalty will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

A handwritten signature in black ink, appearing to read "Daron R. Haddock". The signature is fluid and cursive, with the first name "Daron" and last name "Haddock" clearly distinguishable.

Daron R. Haddock
Assessment Officer

Enclosure: worksheet

cc: Vicki Bailey, Accounting
Vickie Southwick, Exec. Sec.

P:\GROUPS\MINERALS\WPM039-SANPETE\S0390010-NINEMILE\FINAL\ASSESSMN-04-01-06.DOC

COMPANY / MINE Danny Bown PERMIT S/039/010
NOV / CO # MN-2004-01-06(1) VIOLATION 1 of 1
ASSESSMENT DATE October 21, 2004
ASSESSMENT OFFICER Daron R. Haddock

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS:

*** *The operator has been conducting mining operations outside the area that was permitted. A new road was constructed and the disturbed area expanded without first having a permit modification approved.*

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

*** *The inspector stated that an additional 1.22 acres of land outside of the approved mining area has been disturbed. Mining is being conducted in accord with the existing notice of intent, but not in an area that they are authorized to mine. Actual environmental harm may not be evident but some damage is occurring due to the fact that the area is disturbed without authorization and right of entry. This equates to points (5) in the lower part of the range.*

B. ADMINISTRATIVE VIOLATIONS (Max 25pts)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? _____
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 25

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, the failure to abate any violation due to the same or was economic gain realized by the permittee? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

*** *The inspector indicated that the operator did not realize he needed to amend the plan before expanding onto this area. This indicates indifference to the rules or misunderstanding of the rules. A prudent operator would understand the need to provide the revised NOI prior to disturbing an area. The Operator thought as long as he was within his lease and under 5 acres he was in compliance. The Operator did not take reasonable care to ensure that he was within the area approved for disturbance, thus the assignment of points in the lower part of the negligence range.*

IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)

(Either A or B) (Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

- Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10
(Permittee used diligence to abate the violation)
- Normal Compliance 0
(Operator complied within the abatement period required)

(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

*Assign in upper or lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
- Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? difficult (requires the submission of plans)

ASSIGN GOOD FAITH POINTS -10

PROVIDE AN EXPLANATION OF POINTS:

*** *The Operator submitted plans on October 6, 2004, well before the October 15th deadline. The inspector visited the site again on October 20, 2004, and found that much of the site had been reclaimed to within the area allowed under the current notice of intent. The rest of the work is expected to be completed shortly. An extension was granted to November 23, 2004. Although the abatement has not been totally completed as of this date, most of the work has been accomplished, therefore good faith points are awarded at the top of the Normal Compliance Range.*

V. ASSESSMENT SUMMARY (R647-7-103.3)

NOTICE OF VIOLATION # <u>MC-04-01-06(1)</u>	
I. TOTAL HISTORY POINTS	<u>0</u>
II. TOTAL SERIOUSNESS POINTS	<u>25</u>
III. TOTAL NEGLIGENCE POINTS	<u>5</u>
IV. TOTAL GOOD FAITH POINTS	<u>-10</u>
TOTAL ASSESSED POINTS	<u>20</u>
 TOTAL ASSESSED FINE	 <u>\$ 440</u>



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director
LOWELL P. BRAXTON
Division Director

Page 1 of 1

MODIFICATION of Notice of Violation / Cessation Order

To the following Permittee or Operator:

Name: Danny Bown
Mailing Address: 595 East 600 South, Manti, Utah 84642
Mine Name: Nine Mile Permit Number: M/039/010
Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:
Notice of Violation No MN-04-01-06(1) Dated September 23, 2004,
Cessation Order No: _____ Dated _____,

Part 1 of 1 is modified as follows: Abatement time extended to November 23, 2004.

Reason for modification is: Upon return to the office, the inspector discovered that this operation has expanded onto private surface and BLM minerals. The amendment will require evidence of right-of-entry for the private surface and BLM mineral.

Part _____ of _____ is modified as follows: _____

Reason for modification is: _____

Part _____ of _____ is modified as follows _____

Reason for modification is: _____

Date of service/mailling: October 8, 2004 Time of service/mailling 10:30 X a.m. _____ p.m.

Date of inspection: _____

Permittee or Operator Representative _____ Title _____

Signature _____

Lynn Kunzler
Division of Oil, Gas & Mining Representative

Environmental Scientist/Reclamation Biologist
Title

Signature [Signature]

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5/039/010

NOTICE OF INTENTION TO REVISE MINING
ML 47244 MN-04-01-06(1)

10/05/2004

Intention is to change existing road to South East part of quarry. Reason for this is the existing road is too steep to use in bad weather. There is a safety issue bringing truck loads of stone down a road with that much of an incline such as the existing road has.

New road consists of 600 feet long by 12 feet wide. Map will be sent showing location of old road and that road will be reclaimed when we receive permission to use the new road. Map will show location of the new road. Please notify us if we need to supply more information.

RECEIVED

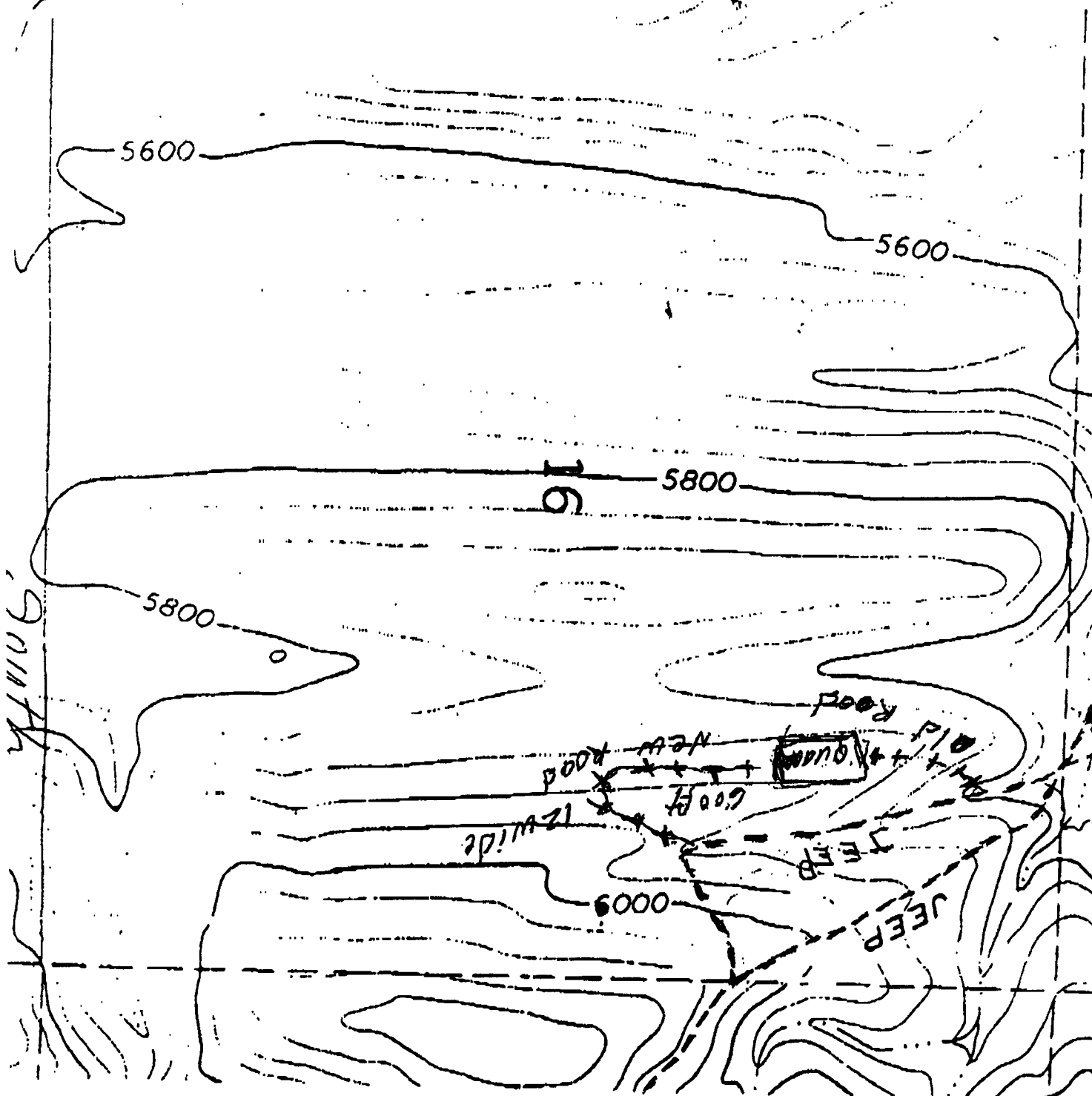
OCT 06 2004

DIV OF CLAS & MINING

Thanks,



Danny L. Bown



GMP' : C = 0.97

OCT 06 2004

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HHCLH7W

THAS



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director

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Division Director

Page 1 of 1

Notice of Violation ☒ No. MN-04-01-06(1)
Cessation Order ☐ No. _____

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OCT 6 2004

DIV OF OIL GAS & MINING

CERTIFIED RETURN RECEIPT # _____

To the following Permittee or Operator:

Permittee/Operator Name: Danny Bown
Mine Name: Nine Mile ☒ Surface ☐ Underground ☐ Other
County: Sanpete State: UT Telephone Number: (435) 835-7542
Business Address: 595 East 600 South, Manti, UT 84642
Permit Number: 510391010
Ownership Category: ☒ State ☐ BLM ☐ USFS ☐ Fee ☐ Other
Date of Inspection: Sept 23, 2004 Time: 9:45 ☒ a.m. ☐ p.m. to 11:30 ☒ a.m. ☐ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ☐ does require cessation of all mining;

☒ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: Sept 23, 2004 Time of service/mailling 12:40 ☐ a.m. ☒ p.m.

Danny BOWN
Permittee or Operator Representative

owner
Title

Danny BOWN
Signature

Lynn Kunzler
Division of Oil, Gas & Mining Representative

Environmental Scientist/Rec. Biologist
Title

[Signature]
Signature

SEE REVERSE SIDE

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7223 • www.ogm.utah.gov

Utah!
Where ideas connect™

Notice of Violation / Cessation Order NO.

Violation No 1 of 1

Page 2 of 2

Nature of condition, practice, or violation

Expanding disturbed area beyond area identified
in Notice of Intention

Provisions of act, regulations, or permit violated

R647-3-114
UCA 40-8-18.1

(Check box if appropriate)

- ☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public
- ☐ Permittee/Operator is/has been conducting mining activities without a permit
- ☐ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources
- ☐ Permittee or Operator has failed to abate Violation(s) No _____ included in Notice of Violation No or Cessation Order No M _____ within time for abatement originally fixed or subsequently extended

Mining activity to be ceased immediately

All activities on areas outside approved permits.

Affirmative obligation(s) or required action and abatement time (if applicable)

Submit Notice of Intention to Revise Mining to include
all current disturbed areas. Submit revision
by Oct 15, 2004.

jb
cc

DOCIM
Operator
File

O:\FORMS\U&ENOV-CO-06092004.doc

NOV/CO

Page 3 of 3.